

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

XIAN LE OU

*** CIVIL ACTION NO. 05-0979-M**

VERSUS

*** JUDGE JAMES**

TOM RIDGE, ET AL

*** MAGISTRATE JUDGE HAYES**

MEMORANDUM ORDER

Pending before the Court is a Petition for Writ of Habeas Corpus [Doc. No. 3] filed by Petitioner Xian Le Ou (“Ou”). On December 15, 2005, Magistrate Judge Karen L. Hayes issued a Report and Recommendation [Doc. No. 13] in which she recommended that the Court dismiss Ou’s Petition. On January 3, 2006, Ou filed Petitioner’s Objections to the Proposed Findings of the Magistrate Judge Filed on December 15, 2006 [Doc. No. 14]. On January 13, 2006, Respondents filed a Response to Petitioner’s Objections to the Report and Recommendation [Doc. No. 15].

In their Response, Respondents state that Ou’s next hearing for his exclusion proceedings was set for January 24, 2006. However, Respondents’ statement is not consistent with the information available to the Court on the U.S. Citizenship and Immigration Services (“USCIS”) website, which supposedly contains the most current available information on the status of Ou’s case. The USCIS website states as follows:

On **January 26, 2005**, we received your response to our request for evidence or information. **It is taking between 120 and 180 days for us to process this kind of case. However because preliminary processing was complete, the remaining processing time will be less than the maximum stated in this message.** You will receive a written decision in this case.

<https://egov.immigration.gov/cris/caseStatusSearch.do> (using Ou's application #msc0508112318)(emphasis added). The website indicates that the Atlanta office is processing I-485 Applications to Adjust Status that were filed on April 13, 2005 (3 months after Ou's application was filed). The Court also attempted to verify the status of Ou's case using USCIS's customer service line. However, the Court received an automated message that the information contained on its website is the "most up to date" and that its customer service representatives do not have more recent information. Therefore,

IT IS ORDERED that Respondents file a report on the outcome of the January 24, 2006 hearing and the current status of Ou's exclusion case no later than **Monday, March 6, 2006, by 5:00 P.M.** If Ou's counsel wishes to provide the Court with any information as well, he may do so by this same date.

Monroe, Louisiana, this 27th day of February, 2006.


ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE